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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/601,981	06/23/2003	Kurt F. Fischer	TRW(AP)6382	1345

7590 12/22/2004
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EXAMINER

ROSENBERG, LAURA B

ART UNIT	PAPER NUMBER
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3616

DATE MAILED: 12/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/601,981

Applicant(s)

FISCHER ET AL.

Examiner

Laura B Rosenberg

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 20 and 21 is/are allowed.
- 6) ☒ Claim(s) 1-3, 5 and 13-16 is/are rejected.
- 7) ☒ Claim(s) 4, 6-12 and 17-19 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>6/23/03</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Specification

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

2. The abstract of the disclosure is objected to because it contains the term "means". Correction is required. See MPEP § 608.01(b).

Claim Objections

3. Claim 17 is objected to because of the following informalities: "latch mechanism" should be changed to --latching means-- (line 3). Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent

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granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-3, 5, and 13-16 are rejected under 35 U.S.C. 102(e) as being anticipated by Dunkle et al. (6,454,300). Dunkle et al. disclose:

- Vehicle occupant protection apparatus (for example, #418)
- Inflatable vehicle occupant protection device (#420) inflatable from deflated condition (best seen in figure 6A) to inflated condition (best seen in figure 6B)
- Vent opening (#447) in support member/reaction plate (bottom portion of housing #442)
- Vent member (#445) movable between open condition (figure 6A) and closed condition (figure 6B)
- Member (including #430, 473) operative to move the vent member from open to closed conditions (best seen in figures 6A, 6B)
- Latching means (#469) having latched condition (figure 6A) and unlatched condition (figure 6B)
- Control means (including #22, 24, 26) operative to actuate latching means selectively based on sensed occupant condition (column 4, line 63-column 5, line 14; column 9, lines 40-67)
- Member comprises a tether (#430)
- Buckle sensing means, occupant position sensing means, seat position sensing means, seat weight sensing means operatively connected to the control means (column 4, line 63-column 5, line 14)

Allowable Subject Matter

6. Claims 20 and 21 are allowed.

7. Claims 4, 6-12, and 17-19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. The following is a statement of reasons for the indication of allowable subject matter: the allowable subject matter of claim 4 is the vent member, member, and latching features of claim 1 combined with the door supported for pivotal movement relative to the vent opening;

the allowable subject matter of claim 6 is the vent member, member, and latching features of claim 1 combined with the tether, when tensioned, pulling the vent member from the open condition to the closed condition;

the allowable subject matter of claim 9 is the vent member, member, and latching features of claim 1 combined with the velocity mechanism and its features;

the allowable subject matter of claim 17 is the latching means in the unlatched condition when an occupant is positioned away from a normal seated position;

the allowable subject matter of claim 18 is the latching means in the latched condition when an occupant is in a normal seated position without being restrained by a vehicle seat belt;

the allowable subject matter of claim 19 is the latching means in the unlatched condition to release the vent member to vent inflation fluid from the protection device;

the allowable subject matter of claim 20 is the vent member and tether features combined with the velocity mechanism and its features.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Wolanin discloses an airbag, tether, control means, and a velocity mechanism

Sommer et al., Husby ('819), Husby ('243), Pettypiece, Jr. et al. ('654), and Pettypiece, Jr. ('533) each disclose an airbag, vent opening, tether, control means, and a velocity mechanism.

Schneider discloses an airbag, vent opening, vent member, and latching means.

Thomas and Vendely et al. each disclose an airbag, vent opening, vent member, member, tether, latching means, and control means.

Ryan discloses an airbag, vent opening, vent member, member, and control means.

Kang et al. disclose an airbag, vent opening, vent member, member, latching means, and control means


Although not applicable as prior art for this application, Hawthorn et al. disclose an airbag, vent opening, vent member comprising pivotal door, member, and control means.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura B Rosenberg whose telephone number is (703) 305-3135. The examiner can normally be reached on Monday-Friday 7:00am-3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on (703) 308-2089. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Laura B Rosenberg
Patent Examiner
Art Unit 3616

LBR

 12/17/04
PAUL N. DICKSON
SUPERVISORY PATENT EXAMINER
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